

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BENJAMIN SAMUEL RICH, *formerly known* :
as SAMUEL GUILLAUME,

Plaintiff,

-against-

STATE OF NEW YORK, et al.,

Defendants.

ORDER

21 Civ. 3835 (AT) (GWG)

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GABRIEL W. GORENSTEIN, United States Magistrate Judge

Defendants have filed a motion for summary judgment (Docket # 95), in which they allege that plaintiff Benjamin Rich signed a general release that released defendants from any claims occurring before that date, see Declaration of Andrew B. Spears, dated January 3, 2023 (Docket # 97), ¶ 3 & Ex. B. On March 28, 2023, the Court ordered Rich to submit a sworn affidavit providing “all information he has” about the general release (Docket # 104). Rich has made two filings in response (Docket ## 105, 107), which the Court finds to be confusing in their wording and which defendants argue are insufficient (Docket # 108).

Accordingly, the Court will hold a telephonic hearing on May 10, 2023, at 10:00 a.m. on the question of the circumstances of the signing of the release. Because plaintiff’s submissions are unclear, plaintiff will be asked to testify under oath at this hearing. Defendants are permitted to call witnesses at this hearing (and may wish to call the attorney who was counsel to plaintiff at the time the general release was executed).

The telephonic hearing line may be reached by dialing (888) 557-8511 and using access code: 6642374. (The public may also dial in but will be permitted only to listen.) The Court will record the proceeding for purposes of transcription in the event a transcript is ordered. However, any other recording or dissemination of the proceeding in any form is forbidden.

Defendants’ counsel is directed to promptly make the necessary arrangements with plaintiff’s prison facility for the plaintiff’s participation in this telephone call. As part of such arrangements, defendants’ counsel shall inquire of prison staff whether the time selected by the Court is inconvenient for the prison or prisoner. In such case, counsel shall report to the Court by letter, including the preferred days and times, and the Court will change the date of the hearing accordingly.

At the time and date of the hearing, defendants' counsel is responsible for telephoning the Court — with the plaintiff on the line — at the scheduled date and time, or for ensuring that the plaintiff is able to dial in to the hearing line directly.

SO ORDERED.

Dated: April 24, 2023
New York, New York



GABRIEL W. KORENSTEIN
United States Magistrate Judge